



# House of Representatives

General Assembly

**File No. 292**

February Session, 2014

Substitute House Bill No. 5066

*House of Representatives, April 2, 2014*

The Committee on Labor and Public Employees reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING DESIGNATION OF A BARGAINING UNIT BY CHARTER SCHOOL ADMINISTRATORS AND TEACHERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 10-153b of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2014*):

4 (c) The employees in either unit defined in this section may  
5 designate any organization of certified professional employees to  
6 represent them in negotiations with respect to salaries, hours and other  
7 conditions of employment with the local or regional board of  
8 education which employs them by filing, during the period between  
9 March first and March thirty-first of any school year, with the local or  
10 regional board of education, or in the case of a state charter school, as  
11 defined in section 10-66aa, the State Board of Education, a petition  
12 which requests recognition of such organization for purposes of  
13 negotiation under this section and sections 10-153c to 10-153n,

14 inclusive, and is signed by a majority of the employees in such unit.  
15 Where a new school district is formed as the result of the creation of a  
16 regional school district, a petition for designation shall also be  
17 considered timely if it is filed at any time from the date when such  
18 regional school district is approved pursuant to section 10-45 through  
19 the first school year of operation of any such school district. Where a  
20 new school district is formed as a result of the dissolution of a regional  
21 school district, a petition for designation shall also be considered  
22 timely if it is filed at any time from the date of the election of a board  
23 of education for such school district through the first year of operation  
24 of any such school district. Within three school days next following the  
25 receipt of such petition, such [board] local or regional board of  
26 education shall post a notice of such request for recognition and mail a  
27 copy thereof to the commissioner, except that if such petition is filed  
28 by the employees of a state charter school, the State Board of Education  
29 shall post a notice of such request for recognition and mail a copy  
30 thereof to the commissioner and the governing council of such charter  
31 school. Such notice shall state the name of the organization designated  
32 by the petitioners, the unit to be represented and the date of receipt of  
33 such petition by the [board] local or regional board of education or the  
34 State Board of Education. If no petition which requests a  
35 representation election and is signed by twenty per cent of the  
36 employees in such unit is filed in accordance with the provisions of  
37 subsection (d) of this section, with the commissioner within the thirty  
38 days next following the date on which the local or regional board of  
39 education or the State Board of Education posts notice of the  
40 designation petition, such [board] local or regional board of education,  
41 or in the case of a state charter school, the governing council of such  
42 school, shall recognize the designated organization as the exclusive  
43 representative of the employees in such unit for a period of one year or  
44 until a representation election has been held for such unit pursuant to  
45 this section and section 10-153c, whichever occurs later. If a petition  
46 complying with the provisions of subsection (d) of this section is filed  
47 within such period of thirty days, the local or regional board of  
48 education, or in the case of a state charter school, the governing council

49 of such school, shall not recognize any organization so designated  
50 until an election has been held pursuant to said sections to determine  
51 which organization shall represent such unit.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2014</i>	10-153b(c)
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**LAB**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 15 \$</b>	<b>FY 16 \$</b>
Education, Dept.	GF - Cost	less than 1,000	less than 1,000

#### ***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 15 \$</b>	<b>FY 16 \$</b>
Various Local and Regional School Districts	Savings	less than 1,000	less than 1,000

#### ***Explanation***

The bill reassigns certain steps in the process of recognizing teacher unions at state charter schools, from local and regional school districts, to the State Department of Education (SDE). The bill reassigns certain tasks that are part of the recognition process to SDE, which could result in a minimal cost, of less than \$1,000 to SDE, associated with making and distributing notifications. Correspondingly, this shift results in a savings to various local and regional school districts that otherwise would have been responsible.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 5066*****AN ACT CONCERNING DESIGNATION OF A BARGAINING UNIT  
BY CHARTER SCHOOL ADMINISTRATORS AND TEACHERS.*****SUMMARY:**

This bill reassigns certain steps in the process of recognizing teacher unions at state charter schools. It requires (1) state charter school teachers and other certified professional employees petitioning for union recognition to file the union petition with the State Board of Education (SBE) rather than the local board of education for the district where the school is located and (2) SBE to take specific actions after receiving the petition. It also makes a technical change.

EFFECTIVE DATE: October 1, 2014

**UNION RECOGNITION**

The bill requires state charter school teachers and other certified professional employees petitioning to have a union recognized by their employer to file the petition with the SBE rather than, as under current law, with the local or regional board of education.

It also reassigns certain tasks that are part of the recognition process to SBE. SBE must, within three school days of receiving the petition signed by a majority of teachers or other certified employees, (1) post a notice of the request for union representation on each bulletin board for teachers in every affected school or, if there are no bulletin boards, give a copy of the notice to each employee who may potentially be in the union and (2) mail a copy of the notice to the education commissioner and the charter school's governing council. Under current law, these actions are the duty of the local or regional board of education.

The recognition process includes a timeframe for a competing union to submit a petition to trigger an election for employees to choose the official union representing them (i.e., a “representation election”). Under current law, the local board of education recognizes the union if no competing petition is filed. Under the bill, the charter school governing council must recognize the prospective charter school union if no competing union files a petition. By law, the charter school governing council, which oversees the school, acts as the board of education for purposes of collective bargaining.

Under the bill, if a competing union files a petition to trigger a representation election, the charter school governing council must not recognize the first petitioner as the union. The process then moves to the representation election.

## **BACKGROUND**

### ***Charter Schools***

Charter schools are nonsectarian, independent public schools that are granted a state charter by the SBE or a local charter by a local or regional board of education. Any person, for-profit or nonprofit entity, higher education institution, school board or boards, or regional educational service center, but not a private elementary or secondary school, can apply to operate a state or local charter school. Currently, there are no local charter schools in Connecticut.

## **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 10      Nay 0      (03/18/2014)